

Summary Minutes
City of Sedona
Planning & Zoning Commission Meeting
City Council Chambers, Sedona City Hall, Sedona, AZ
Tuesday, February 5, 2013 - 5:30 p.m.

(15 minutes, 5:30 – 5:45 pm for agenda items 1-4)

1. **Verification of Notice, Call to Order, Pledge of Allegiance and Roll Call**
Chairman Losoff called the meeting to order at 5:30 p.m.

Roll Call:

Planning & Zoning Commissioners: Chairman Marty Losoff and Commissioners Eric Brandt, Michael Hadley, Scott Jablow and Norm Taylor. Commissioner Geoffrey Messer was absent.

Staff: Audree Juhlin, Cari Meyer, David Nicolella, David Peck, Donna Puckett and Ron Ramsey

Note: Chairman Losoff addressed agenda item 3 at this time.

3. **Public Forum – for items not listed on the agenda within the jurisdiction of the Planning and Zoning Commission – limit of three minutes per presentation. (Note that the Commission may not discuss or make any decisions on any matter brought forward by a member of the public).**

Chairman Losoff opened the public forum and having no requests to speak, closed the public forum.

2. **Commission/Staff announcements and summary of current events by Chairman/staff.**

The Chairman thanked the Commissioners; he and Audree Juhlin had an opportunity to meet with each Commissioner and received some good ideas and suggestions for the content and structure of the meetings going forward, and Audree is going to incorporate several of those ideas.

Commissioner Hadley asked for an update on the unfilled Commission seat and Audree Juhlin indicated that there are two applications. Chairman Losoff stated that the interviews will be held on the 13th and Audree added that the recommendation will go before the City Council for approval on February 26th. The Chairman then noted that one applicant is in the audience.

4. **Approval of the minutes of the following meetings: January 3, 2013 (R)**

MOTION: Commissioner Hadley moved to approve the minutes of Planning & Zoning Commission for January 3rd, 2013. Commissioner Brandt seconded the motion. VOTE: Motion carried five (5) for and zero (0) opposed. (Commissioner Messer was absent.)

5. **Consideration of the following requests through public hearing procedures: (30 minutes, 5:45 – 6:15 pm)**

A. Discussion/possible action regarding a request for Development Review approval for a new 8-unit apartment complex located at 140 Navajo Drive. The property is currently vacant and zoned RM-1 (Medium Density Multifamily Residential District). A general description of the area affected includes but is not necessarily limited to the area at the northeastern terminus of Navajo Drive. The property is approximately 1 acre and is further identified as Assessor's Parcel Number 408-24-496C. Applicant: Simno Holding, LLC (Chris Tortorello). Case Number: DEV2012-01

Chairman Losoff introduced this agenda item and indicated that the Commission has had several work sessions and a site visit, so the Commission is now here to give a final judgment.

Presentation by Cari Meyer:

Cari indicated that she distributed Revised Conditions of Approval and the only change was in item 9.j where she added the last five words; everything else is the same. The Condition now reads, "All areas of cut and fill shall be landscaped or dressed in such a manner as to reduce the potential of erosion", because the reason was not on there before.

Cari summarized that there have been three work sessions on this project and the Commission is now having the public hearing, and the property has not moved since last week or any other time; it is still in the same spot. The Chairman then suggested keeping the candy away from Cari who then added that it is still zoned RM-1 and the Zoning and Community Plan designation both allow eight units per acre and this is just over one acre, with the drainage easement along the southern edge of the property.

Cari noted that the site plans and floor plans are still the same with two four-unit apartment buildings and a driveway along the southern edge of the site. The Massing Plan View doesn't show the colors very well, but the massing requires three different masses in both elevation and plan view, and the elevations are at 49 ft., 47 ft. and 45 ft., which are highlighted. The yellowish area is the mass at 47 ft., the one above that is at 49 ft., and then there are some masses at 45 ft. as well.

Cari referenced the Massing Plan View and indicated that some of the masses are highlighted, and in the back corners there is a 6 ft. x 17 ft. bump-out for a bedroom of about 102 sq. ft., with a 6 ft. offset in the middle, and the entryways are a bump-in of about 130 sq. ft., so that is how it meets the massing requirements of the Land Development Code.

Cari then referenced the Perspective View that the applicant provided and indicated that there were some questions about the wall, so to clarify, the applicant is not proposing any new walls for the project. Any walls are the existing walls on the properties to the south.

Cari pointed out that the Lot Coverage for the project is 17.9% and 25% is allowed. The Floor Area Ratio is .30 and .50 is allowed, and there are no Alternative Standards proposed for height. The lightest color for the project is proposed at a 20% LRV and 38% is allowed, and the massing complies in both plan and elevation views. There are also 19 parking spaces provided and required. The Outdoor Lighting Plan consists of 47 new fully-shielded fixtures using 59,000 lumens and 104,000 lumens are allowed, and the mechanical equipment will be roof mounted and fully screened.

Cari indicated that the Landscaping Plan is the same and it complies with all of the different requirements based on the building size and unrelieved building planes. Based on the development and the existing vegetation remaining, there are 11 new trees and 39 new shrubs required, and 13 new trees and 60 shrubs are provided. It should also be noted that Public Works will be giving final approval to anything within the drainage easement, and they have specific regulations about what can and cannot be planted there.

Cari added that there is access via Navajo Drive and a possibility that residents could use the signalized intersection at Andante. There is a dumpster located between the two buildings and the units will connect to the City sewer system. The applicant also has submitted a final Drainage Report that has been reviewed and approved by the City's Engineering Department, and the applicant is proposing a 3 ft. x 4 ft. red rock sign at the entrance.

Cari indicated that this request complies with the Design Review Manual requirements as far as site design and drainage, topography, proportion, massing, materials, textures, color and lighting, and based on compliance with all ordinance requirements and satisfaction of the Development Review findings of the Land Development Code, staff recommends approval of DEV 2012-01, Bella Sedona Apartments, subject to all applicable ordinance requirements and the attached Conditions of Approval.

Commission's Questions of Staff:

Commissioner Taylor noted that on the screen displayed, it shows the mechanical equipment has to be fully enclosed, but in the paper distributed, it says that it can be enclosed or painted. Cari clarified it is enclosed and painted.

Commissioner Hadley referenced Condition of Approval 7 and Cari indicated that is a standard condition, but she guesses it should be changed to "and". The parapets are designed to be tall enough to fully screen all mechanical equipment and that is something staff has talked with the applicant about.

Chairman Losoff asked if "or painted" should be removed, just leaving it as screened. Audree Juhlin stated that they do need to be painted as well, and Cari added that there are some properties that can see it from up the hill. Audree then stated that it needs to be "and"; screened and painted. The Chairman then asked staff to make note of that and said, "Good eye" to Commissioner Taylor.

Commissioner Brandt indicated that David Peck had said that there should be a barrier to the drainage easement and asked if he was thinking of a curb or some type of guardrail. David explained that he was just thinking of something to delineate the edge of the parking to keep whatever material they have on the parking lot, which he believes is DG, from eroding and going into the easement. Commissioner Brandt then noted that a curb is fine there and David indicated yes.

Commissioner Hadley asked to see the color board and explained that in the Staff Report, it says that the lightest color is 20%, but the rendering is much different than these colors. He presumes that is just a product of the computer-generated rendering. These are much darker, but when the Commission got the color rendering, it seemed a lot lighter. Cari agreed that was probably a result of the computer, and Commissioner Hadley commented that sometimes if you render things too dark or realistic, you get a big dark blob, so that is probably why they lightened it up a little, so it would read. Okay, that is fine.

Commissioner Jablow also asked to see the color board and indicated that one reason why he was a little more comfortable with the project was that he saw the color rendering and the differentiation between the two colors made it very classy-looking. Without that real differentiation, it doesn't stand out as much. These colors are very similar, so is it still going to have the same look to it?

Commissioner Brandt explained that having the darker color probably is better than having it contrast with one that is dark and one that just barely meets the LRV code. For recessiveness of the whole building into the landscape, it is better to have that than to have the high contrast. With that said, if there wasn't as much wall plane difference to create shadow, then he would agree with Commissioner Jablow. Commissioner Jablow then stated okay; that was his problem and Commissioner Hadley added that he would second that; he agrees.

Chairman Losoff indicated that from his unprofessional eye, that landscape and just the way the building will fit into the side seems the darker the better, but that is just an unprofessional look. Commissioner Jablow indicated that he doesn't want to say light, but he would like to see some contrast. Cari explained that when you get into the darker colors, it is very hard to get high contrast, so you really can't have high contrast and darker colors. Commissioner Jablow then indicated that if you go to browns, tans and a dark green, he has seen that in certain areas. You change the color up, but it gives a contrast and still looks nice.

Chairman Losoff noted that the Commission may ask the applicant that question as well and indicated that in one of the original meetings, the Commission talked about having the applicant incorporate red rock and some natural material. The Chairman then asked if that is not happening and Cari stated no, it is not. The Chairman then asked if staff is okay with that and

Cari indicated yes. Personally, it is a preference thing the applicant has chosen not to include, but as proposed, it does meet the requirements of the Land Development Code and the differentiation in the planes of the building helped break it up, like with the different materials.

Presentation by Chris Tortorello, Applicant from Simno Holdings and Torel Building, and Dan Surber, Architect:

Chris indicated that he thought they were pretty well along with the other comments and what had been discussed for the last three or four weeks, so he thinks they have gotten everything in there that they needed. One thing to keep in mind, especially with synthetic stucco, is that sunlight really changes the way color looks. That color board is one thing, but when you have sunlight shining on the building and have those variations and jogs in the parapets and massing, you will see a lot of variation. It is hard to see when you are just looking at two color swatches.

Dan Surber added that they heard the Commission's comments and they tried to address all of them.

Chairman Losoff opened the public comment period at this time.

Beth Tortorello: Indicated that she has been a realtor in Sedona for the last eight years and a resident for almost 17 years. She practices with Prudential Northern Arizona Real Estate in town, and she is in favor of this project. She, as a realtor, has been very much aware that there is a great need in Sedona for rental properties, and both as a realtor and as a citizen involved with younger people, she has noticed that there is a need and younger people are looking for apartments. People who are coming to town . . . , she herself rented when she first came to town, and having a very strong relationship with the owners of Foothill Rental Property Management Company, she knows that they are very much looking for rental properties. The location of this property is very, very good considering that it is centrally located in town and also in such close proximity to an already existing apartment complex. It is a great project and she is in favor of it.

Stephen Moody, Sedona, AZ: Indicated that he and his wife own the property that is directly south of the proposed project and he attended the November meeting with Ms. Meyer and Mr. Tortorello. He raised issues of drainage and forwarded those questions to City staff, and the City staff has assured him that the questions he raised were met and answered by their analysis, so at this point, he is satisfied with their explanation and that the drainage issues have been covered.

Having no additional requests to speak, the Chairman closed the public comment period.

Commission's Questions of the Applicant:

Commissioner Hadley indicated that the applicant has done what the Commission asked and he is satisfied with the colors. The applicant is correct that when the colors are in the sunlight, there will be more contrast than is apparent on the color board, so he is satisfied with the project.

Commissioner Brandt indicated that overall he is satisfied with the project, and he thinks that if it was to be built out to maximum site coverage and FAR, we would probably be looking at getting a bit more material usage like stone or something like that, but because it is fairly low density, it is okay as presented. He does have a couple of questions for the applicant and architect.

Commissioner Brandt then noted that at the work session he mentioned that it needed a bit more landscaping to screen from the adjoining residential properties in the southeast corner. There is actually a gap at the drainage easement, and that could be closed in for the benefit of the adjoining residentially-zoned properties, and in addition, it seems that it might be nice to

give a little vegetative screening to a second area (pointed out on the screen displayed), which would be in the center of the west property line. The Commissioner then asked the applicant if that is possible.

Chris Tortorello indicated yes, but explained that regarding the first reference to the southeastern part and the drainage easement, they can't close that off. They have to leave that accessible for City access or Public Works, from what he understands. Chris then asked the Commissioner if he is referring to the trees that are there now -- additional landscaping right at the edge. Commissioner Brandt indicated it was to the point from there and to the west on the easement, so in that gap. Chris then repeated that they need to leave that open for vehicular access of the City vehicles, to get in and out -- that was his understanding when they spoke to David.

David Peck stated that is correct and he was just asking Audree Juhlin about the parcel with the house on it at the southeast corner, because it may already have some vegetation on that parcel that buffers it from this project, but he doesn't know. The Commissioner acknowledged that could very well be. Chris Tortorello referenced that property and indicated that it is about 10 ft. down; there is an 8 ft. or 10 ft. wall that drops down, so the roofline is below the top of that wall and the top of the pavement or driveway of this project.

Commissioner Brandt then asked David Peck if it would be possible to shift the shrubs between the proposal and the commercial property down, so it is towards the corner where the residential properties start. David explained that the City just needs the easement to remain open for future access of vehicles and equipment to do any maintenance as necessary. Commissioner Brandt then pointed out his proposed shift on the screen displayed and again asked if that is possible. David indicated yes, just shift it and Audree Juhlin indicated that if she is understanding Commissioner Brandt correctly, the Commissioner is saying screen with vegetation along the adjacent residential properties and leave the access at the commercial property line. Commissioner Brandt stated yes.

Chairman Losoff asked if that can be done and Chris stated yes, but for further clarification, he doesn't believe that is residential property. He then asked if that is the vacant lot and Cari pointed out the residential properties, commercial properties and the eastern property line of the applicant's property, and indicated that if you extend that down, that is the delineation between the commercial and residential. Chris Tortorello then indicated that to answer the question, yes, they can do that.

Commissioner Brandt indicated that his other question was . . . Chairman Losoff interrupted to ask about Commissioner Brandt's second location too. Chris referenced the site visit and explained that all along that wall, there is some pretty shoddy fencing from the Shadowbrook Apartment complex and it also is the back of the Shadowbrook Apartment complex, so he doesn't know what there is to shield. Chris then asked if the Commissioner is talking about shielding from the apartment complex next door, looking into this project. Commissioner Brandt stated yes and Chris indicated that if he is not mistaken the back of the buildings are 3 ft. or 4 ft. in the ground or something like that. Dan Surber stated that he isn't sure and Chris continued to say that really very little of the building is out of the ground at that point.

Commissioner Brandt indicated that he thinks the existing building is a two-story building and Chris stated okay, yes. Chairman Losoff then asked the applicant to take a look at it; these are good suggestions, if you can incorporate them.

Commissioner Brandt explained that the other thing that he noticed was the difference between the Perspective View and the plan elevations. In the plan elevations, there are two separate buildings and the way the massing is broken up is an individual building is mirrored in the elevations, but in the Perspective View instead of being mirrored, they go like this . . . (the

Commissioner then demonstrated the difference with his hands). Commissioner Brandt then stated that it would be preferable to do it like the Perspective View.

Dan Surber indicated that he hasn't seen the difference and the applicant asked if the Commissioner could point it out. Commissioner Brandt then attempted to point out the difference on the screen displayed and indicated that in the plans, it is a mirror image, but it looks better if it is asymmetrical to break it up, if it is possible. Dan commented height-wise as far as . . . Audree Juhlin indicated that she sees what the Commissioner is saying and explained that the two ends are lower in one, and the lower is on each right side in the other.

Commissioner Hadley agreed that Commissioner Brandt is correct, on the flat elevations, each building is symmetrical about its own centerline, but on the Perspective View, it is asymmetrical and he agrees that it looks better asymmetrical, so do it like the rendering.

Dan Surber indicated that he will have to look at it; he still doesn't get it, so he is sorry. Chairman Losoff indicated that at this point, the criteria is met, but maybe the applicant can get with the Commissioners who have some suggestions and see if the applicant can work it out. The Chairman then stated that the Commission shouldn't do that; we should do it in front of the full public, so at the end of the meeting before we conclude, we will see if we can address it more specifically. Perhaps Commissioner Brandt can sketch it out while . . .

Commissioner Brandt indicated that he thinks it is just the parapet heights. Commissioner Hadley then pointed out the centerline and indicated it is symmetrical about that. Chris stated right, when you look at the Perspective View, it is different. Commissioner Hadley then explained that it takes the part to the left of that and duplicates it to the right, and Chris stated right, it is like a flip-flop.

Dan Surber indicated that he still doesn't get it, and Commissioner Brandt then referenced the quad-plex in the massing elevations and indicated that the lighter ones are the higher parts of the parapet, and you notice how they are symmetrical to the centerline of the quad-plex, but the Perspective View shows the arrangement twice, it is not the mirror image; it is that image twice.

Chris then stated that for clarification, the Commissioners like the rendering version better than the massing elevation and Commissioner Hadley indicated that it is a little less predictable. Dan Surber then indicated that he can see the difference. In reality, these two parapets should be the same height, so possibly he does have something different in this Perspective View, so if he can match the Perspective View, he will try to do it.

Commissioner Brandt then pointed out two parapets and indicated that it seems that he would just switch them, colors and everything. Dan Surber then stated okay; he will have to see how it goes around the corner and how it is relative to the back side and so forth. The Commissioner stated right, and then pointed out a specific area that the computer filled in, in the Perspective View; however, the Commissioner indicated it is better if it is left as a gap with that railing all the way back in the notch. Dan Surber stated, "Correct", and Chris Tortorello added, "Which it will".

Commissioner Taylor indicated that the project has come along well and he likes the colors and understands the walls, and other than landscaping, which looks a little sparse, it is fine. It is a good job.

Commissioner Jablow stated that he would like to shift gears a little bit, because with all of the different meetings, we sort of lost the affect of rentals, so is there a restriction on how long? The applicant was considering changing from a rental to a purchase somewhere along the line, and there were going to be restrictions . . . , Chairman Losoff interrupted to ask if the Commissioner meant condos. Commissioner Jablow then stated, "Condos" and asked where we are now.

Audree Juhlin explained that the applicant is applying for apartment units; there is no discussion at this point for a conversion from apartments to condos, and if you want to hear the future, we would have to ask the applicant. As far as staff is concerned, we are looking at it strictly as apartments.

Commissioner Jablow then indicated that originally there was a difference between building apartments versus building condos. Audree explained that if they were going to build condos, there would be an extra step, because we would be doing a Subdivision as well, but that isn't the case, because it is apartments. If the applicant does at some future point want to convert from apartments to condos, the applicant would have to go through that process. Cari Meyer then added that the Development Standards are the same and Audree Juhlin agreed the Development Standards and building construction are the same, but if it was a townhome, that would be something different; condos are the same. Chairman Losoff asked if that would have to come back to the Commission and Audree indicated yes.

Commissioner Jablow then asked the applicant about his intention now and Chris Tortorello stated that his intention is to grow old in Sedona and have this as part of his retirement income. If at some point, condos are extremely valuable again and he and his wife decide to do something different . . . He is not in the position nor did he understand that he had to dedicate this as apartments. According to the City Attorney and his attorney, it wasn't part of the deal, so his intention is to keep it long-term as apartments, but he can't tell you that might never happen; that would depend on a lot of different things -- the economy, the housing market and . . .

Commissioner Jablow stated that he believes in one of the conversations, either on the phone, one conversation we had on the phone or in one of the meetings, it was discussed that you didn't want to leave this complex to your children as apartments, you wanted it as a sale. The Commissioner then asked if he understood that . . ., and Chris stated not exactly. He wanted the option that if somebody else in his family wanted to do something else with it, they wouldn't be restricted to some grandfather clause that wasn't necessary or part of the process or a requirement, and it is certainly not, from what he understands as the law and the conversations he has had.

Commissioner Jablow stated okay, he appreciates that, but the audience was asking questions about or saying comments about appreciating it being rentals for a long time to come as there is a big need, and it was discussed how big the need is here, so he just wanted to see if it is going to at least for the foreseeable future remain . . . Chris stated, "And yes, his answer to that is definitely, that is the goal of the whole project". Commissioner Jablow then thanked the applicant.

Chairman Losoff indicated that at one time construction and phasing was discussed, and he then asked the applicant about the construction schedule. Chris Tortorello stated that he is going to go ahead and build them all out at once, and he appreciates the Commission's consideration and working with them.

Chairman Losoff then stated that he would entertain a motion, and Commissioner Hadley stated sure and noted that the Conditions have been amended by changing that one word. Cari added changing "or" to "and". The Commissioner then asked if the Conditions needed to be amended to reflect the discussion about the landscaping, and if so, how that would be phrased. What we discussed about the landscaping will be discussed in the minutes. Audree indicated that the motion can just say, ". . . and the discussion related to moving the landscaping to the residential area and leaving the access point on the commercial property line", and then on the west side, we can refer to the discussion in the motion.

Commissioner Hadley indicated that he is not sure that he is . . . Chairman Losoff interrupted to say the motion would also include the landscaping suggestions as recommended by Commissioner Brandt. Commissioner Hadley then stated okay, that sounds good.

MOTION: Commissioner Hadley moved to approve case number DEV 2012-01 based on compliance with all ordinance requirements and satisfaction of the Development Review findings and applicable Land Development Code requirements and the conditions as revised and outlined in the Staff Report, providing that the landscaping is modified per our discussions tonight. Commissioner Brandt seconded the motion.

The Chairman commented that he appreciated the applicant's response to the Commission's questions, concerns and issues. It started a little rocky in the beginning, but the applicant was very receptive to the Commission's thoughts and the Commission appreciates the final outcome, so he would be in favor of the motion.

VOTE: Motion carried five (5) for and zero (0) opposed. (Commissioner Messer was absent.)

6. Discussion/possible action regarding future meeting dates and agenda items: (10 minutes 6:15 – 6:25 pm)

Thursday, February 14, 2013	– 3:30 p.m. – Work session
Tuesday, February 19, 2013	– 5:30 p.m. – Regular
Thursday, February 28, 2013	– 3:30 p.m. – Work session
Tuesday, March 5, 2013	– 5:30 p.m. – Regular

Audree stated that February 14th is a work session and one of the items . . . Chairman Losoff interrupted to ask if the Attorney will be bringing some Valentine candy. Audree continued to say that we will be talking about the Capital Improvement Plan in more detail that Karen Daines, Assistant City Manager, discussed last Thursday. Also, we will be discussing the Community Plan update process to give the Commission some input on the progress and allow for any comments that the Commission wants to provide at that time. The Tuesday, February 19th . . . Chairman Losoff interrupted to comment that the work session will probably be a good two hours with the first hour on the Capital Budget, and the Community Plan will probably take about an hour. They had a meeting today and there will be a lot of results from the three meetings last month and a report on where the blue dots were and some other summaries, so it will be an interesting discussion, and he hopes all of the Commissioners are able to attend.

Audree Juhlin then indicated that the meeting on the 19th is canceled; staff has nothing to bring forward on the 19th, so the next meeting will be on February 28th for a work session, and there are two items; one is Mariposa and the other is a Conditional Use Permit (CUP). Cari Meyer added that the CUP is for Studio Live's application to offer entertainment and all of those application materials are on the website. A packet will be sent with the agenda, but the Commission can get a head start on some of those items. Audree Juhlin noted that the other item that was going to be coming forward for the February 28th work session was the Park Place amendment, but we aren't moving that forward right now. There are a few details that need to be worked out first.

Audree added that on Tuesday, March 5th, there is nothing to bring forward, so that meeting will be canceled at this point. Chairman Losoff suggested not officially canceling that one yet, to see what is going on with the Citizens Steering Committee. We may have some ongoing discussions about the Plan centered around the fact that rather than wait until a Plan is finalized for P&Z to become involved, they will start bringing bits and pieces, so there are no surprises at the end, but he doesn't know if the Committee will have anything by March 5th; however, we can leave it open for now.

Audree noted that based on a staff discussion about the Community Plan, when this item is brought to the Commission on February 14th, staff will be asking if Commissioners want to volunteer for any of staff's teams that are working on the Community Plan, because staff needs more people to help.

Chairman Losoff then repeated the meeting dates as discussed above.

7. Adjournment (6:25 pm)

Chairman Losoff called for adjournment at 6:14 p.m. without objection.

I certify that the above is a true and correct summary of the meeting of the Planning & Zoning Commission held on February 5, 2013.

Donna A. S. Puckett, *Recording Secretary*

Date